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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,157	03/22/1999	JEFFREY S. MCVEIGH	42390.P7111	8057

7590 02/20/2002

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EXAMINER

LEE, RICHARD J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 02/20/2002

19

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/274,157

Applicant(s)
McVeigh et al

Examiner
Richard Lee

Art Unit
2613



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 11, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13-15, 17, 18, 20
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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1. The drawings are objected to for the same reasons as set forth in paragraph (1) of the last Office Action (see Paper no. 11). Although an attempt was made via the amendment filed December 11, 2001 to correct the objection to drawings by amending the Specification, such changes to the Specification as indicated in the amendment filed December 11, 2001 are all in error. For example, the proposed change to page 11, line 20 replacing "before" with --before (700)-- is not shown at the specific area of the Specification. It seems apparent the such change to the Specification should be at page 11, line 19 instead. The changes to the Specification as proposed in the amendment filed December 11, 2001 has not been entered due to the discrepancies. Please correction the Specification accordingly to overcome the objection to the drawings in response to this Office Action.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ju of record (5,801,778) for the same reasons as set forth in paragraph (4) of the last Office Action (see Paper no. 11).

Regarding the applicants' arguments from the amendment filed December 11, 2001 concerning in general that "... Ju discloses the well accepted method of motion estimation wherein

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a predicted frame is predicted on a macroblock by macroblock basis, using information from preceding and/or superseding frames ... Applicant respectfully asserts that the Ju reference fails to anticipate, disclose or suggest the required features of unidirectionally predicting content of each B-frame from a temporally closest anchor frame ... Indeed, Applicant respectfully asserts that the macroblock-based, bidirectional motion estimation process described in the Ju reference actually teaches away from the unidirectional, frame-based motion estimation process of, for example, rejected claim 1 ...”, the Examiner respectfully disagrees. Applicants’ attention is directed to column 2, lines 18-50 of Ju where B-frames are predicted according to the MPEG-2 standard. Even though the B-frame processing may be provided at the macroblock level, encoding at **the frame level** (see column 2, lines 20-23) is nevertheless being provided by Ju. A review of the applicants’ own Specification also reveals the particular frame encoding at the block level. In any event, the particular unidirectional forward predictive coding and unidirectional backward predictive coding as alternative B-frame predicting as disclosed at column 2, lines 30-35 of Ju anticipates the particular “unidirectional predicting content of each B-frame from a temporally closest anchor frame” as claimed.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE") (703) 305- (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.


RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

2/15/02

